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DEPOSITIONS, &c.

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BANK ROBBERY AT COBOURG,

JUNE, 29TH. 1833.

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BANK ROBBERY AT COBOURG.

The Deposition of Persons examined by W. H. Draper, Esq. on the extensive and mysterious Robbery of the Upper Canada Bank at Cobourg.

The Information of Mr. WILLIAM HENRY KITTSON, of the town of Cobourg, in the Newcastle District, Gentleman, made this 18th June, 1838. The said Wm. Henry Kittson being duly sworn.

Deponent is a Clerk in the employment of Mr. Jas. G. Bethune, the agent of the Bank of Upper Canada at Cobourg; has the sole management of the bank business; keeps all the cash at his sole control; keeps cash in an iron chest; only one key at Cobourg; there is another key, which deponent believes is in the possession of the Cashier at York. It is not in the course of the duty of any other person to have possession of that key. The business of the bank is transacted at Mr. Bethune's office. The Post-office is conducted at one end of the office, the Bank business at the other. The Canada Company business is also transacted there. Mr. Bethune is Post-master and Agent for the Canada Company. No papers or books excepting those belonging to the bank are kept on the bank side of the office, but there is no partition or division. Persons coming to transact business with either department do not ordinarily come within side.

Deponent had been for some time in the habit of sending bank bills, not of the Bank of Upper Canada, to the agent, Mr. John Macaulay of Kingston, on Wednesday in every week, when the amount was sufficient to require it. This amount was four or five hundred pounds. These bills were usually put up in strong brown paper, sealed with red wax—Office of the Bank of Upper Canada at Cobourg, is the impress of the seal; bills were always packed laying open—these packets been numbered and marked as containing money.—The agent at Kingston usually advised their receipt by return of post; does not recollect any instance to the contrary when the packet has been received.

On Wednesday, 15th May last, deponent put up a packet of bank notes of the Bank of Montreal, the Commercial Bank at Kingston, and one ten dollar note of the Quebec Bank, amounting to £774 10s.—The money was counted on the Tuesday evening, and was charged to the Bank of Upper Canada on Wednesday the 15th inst. It was not sealed up till Wednesday morning. Deponent thinks he counted it over again on Wednesday morning, but is at all events positive he enclosed that sum. It was packed up in strong brown paper, quite new, sealed with red wax, bright colored, impressed with the seal already mentioned, not tied without in any way. The notes were put up in separate parcels according to their value, that is, all the five dollar bills were put up together and banded together, and so on with the others. The packet was sealed up about ten in the forenoon, on the bank side of the office; no other person on that side the office at that time. No other person had assisted deponent; the money was not out of deponent's hands from the time he took it out of the chest till he sealed up the packet. He then took the packet to the opposite side of the office, and threw it on the post office table, and told Mr. Edmund Rubidge, clerk in the management of the Post-office, there was a parcel of money for Mr. Macaulay, to whom the packet was addressed, mentioning that it contained £774 10s. Deponent generally stated the amount it contained. Mr. Rubidge replied he would send it. Deponent has been a clerk in the post-office himself. The business of that office is conducted in the way it was during the latter part of the time deponent was a clerk therein. All the packets for Kingston and the offices east thereof were put up in one bag, so as not to require opening in the intermediate offices. On the letter bill a particular entry is made of all money letters, but no amount stated. Did not see the letter bill the day he sent this packet. Saw this packet of money still lying on the post-office table a few moments

afterwards. Mr. Rubidge was at the table and Mr. Saunders at his desk, a few feet distant. Mr. Saunders was in the habit of occasionally assisting Mr. Rubidge. Cannot say whether Mr. Saunders assisted in making up this mail or not. In about an hour afterwards deponent saw the bag for Kingston and other mails packed up, ready to be sent and laying on the same table; did not however examine them, and only supposed the bag contained the Mails for Kingston and east thereof, because those mails were usually sent in a canvass bag.—Thinks the stage arrived after twelve o'clock. Deponent enquired whether his parcel had been sent, and Mr. Rubidge replied it was; this enquiry was made, as deponent thinks, before the mail bags left the office. Mr. Saunders was a sworn clerk. Deponent is also a sworn clerk.—Mr. Rubidge was not at that time; he was sworn a few days ago; it is a part of the directions of the Post Master General that all clerks or persons employed in that office should be sworn. Deponent apprised Mr. Rubidge of the necessity of his being sworn when he first came into the office. No particular enquiry however was made by deponent or Mr. Bethune, to deponent's knowledge, whether Mr. Rubidge has been sworn. On Tuesday last deponent learned from Mr. Rubidge, in answer to a remark that deponent made, that he (Mr. R.) was not sworn. Mr. Rubidge stated that he had gone at the time deponent supposed, for the purpose of being sworn, but from a feeling of bashfulness, he had not gone to Mr. Henry but to dinner. On Wednesday 22d May, deponent sent another parcel to Mr. Macaulay, at Kingston, and in a letter stated to him that the receipt of the parcel sent on the 15th had not been acknowledged. Deponent had previously expressed his surprise to Mr. Bethune that it had not been acknowledged. Such acknowledgment was usually received on the Tuesday following the day on which the packet was sent. On the Sunday following the 22d May, deponent received a letter, stating that Mr. Macaulay had not received the packet sent on the 15th. Mr. Rubidge stated to deponent that he had not put this packet of money into an envelope with other Kingston letters, but had only enclosed it in the canvass bag already referred to—this statement was made after it was known that the packet had not arrived at Kingston. The printed post office regulations and instructions were put up in an adjoining office, where the post-office was formerly kept, but that is now used as a bed room and no business is transacted there—it has remained there till to day. When deponent was unable to get his letter ready by the hour appointed for closing the mail, he was in the habit of requesting Mr. Rubidge to keep the mail open, which was usually done. Deponent delivered packets to Mr. Rubidge in a similar way on former occasions, of the safe receipt of which he has been advised.

On the evening of Wednesday the 19th June inst. about six, deponent put bye the Bank and other money and papers in the ordinary way in the iron-chest, there were then put into the chest a large quantity of bills of different Banks, some of Lower-Canada, some of the Commercial Bank, and the principal part of the Bank of Upper-Canada, there were no bill of a higher denomination than ten dollars; Cannot state what amount was in the iron chest, nor is he able now to say with any certainty but there was certainly more than £1,-500 in Bank Notes, there were also fifteen Doubloons, and about fifty Sovereigns in a small bag in the chest, and three bags of silver. There is a bureau divided into two parts which lock with separate keys, standing by the iron chest; Deponent locked the iron chest and the upper part of the bureau, and put both those keys into the lower part of the bureau which he locked, and took away the key with him when he went to tea. Deponent left Mr. Rubidge alone in the office; Deponent returned in a very short time, say about ten minutes, met Mr. Rubidge a short distance east of the office, and received the key thereof from him; found the office locked, opened it, and went in, it was empty; Mr. John Gordon shortly came in and offered to sell deponent a pair of boots; two boys named Butcher came in also about the same time; Gordon brought the boots within the enclosure of the office on the Bank side for deponent to try. He was then with the deponent probably a quarter of an hour; during that time deponent did not go out while Mr. Gordon and the two boys were there, Mr. Rubidge came in; deponent did not go to the bureau in which was locked the key of the iron chest from the time he locked it up, previous to his going to

ten, until about half past eleven that same evening; deponent left the office again, after trying the boots, accompanied by the two boys. Mr. Rubidge tried on the boots and deponent thinks he left Gordon there with him. Deponent remained away half an hour with the boys, and again returned to the office; found several persons there, among them Mr. Rubidge, Gordon, and three strangers, as deponent believes; deponent went away for a short time and again returned; Gordon was still there as he thinks; deponent remained until about half past eight, and locked up the office, and took away the key—no other person went into the office. Before deponent left the office, he examined all the bolts of the window shutters, and says that they were all keyed; he went into the cellar and found it was insecure, and secured it by planting a beam, one end on the ground and the other against the door, and put a cask of tobacco against the door, tried it with considerable force, and found it firm. This was a usual practice, and the deponent seldom if ever went to bed without doing it himself; deponent went to the Circus, and while there felt in his pockets, and ascertained that he had the keys of the office and bureau. About half past eleven deponent returned to the office accompanied by the two boys, and went down to the cellar to draw some beer; while there deponent looked at the door, it appeared as he had left it. The keg of tobacco could not have been placed as it then lay from the outside, the deponent had to remove a table (one leg of which rested on the trap door which goes in the cellar) when he went down—he had placed the leg of the table on this trap door previous to leaving the office, at half past eight; this however might have been replaced by a person opening the cellar door from below. Found a lighted candle in the office in the same place he had left it in, which was on the opposite side of the office to that where the iron chest stands. It would not, in deponent's opinion, be possible to see what was in the chest if the candle stood there.—From the appearance of the candle it did not seem to have moved from the time he had left it. The boys went away in a short time; deponent went home with them, locking the office door and taking away the key—on his return from the Circus with the boys deponent opened the bureau.—The keys of the iron chest and of the upper part of the bureau lay as deponent had left them; the lock of the bureau appeared exactly as usual, the key turning as in general, the doors of the bureau were fast, and from the appearance could not have been opened unless by unlocking the door; the door was locked when deponent went to it; there was no apparent change about the doors or any thing inside to excite remark or suspicion. Deponent thinks he left the bureau open while he accompanied the boys home; he was not away with them five minutes. Deponent unlocked the bureau after coming out of the cellar with the beer. On his return from seeing the boys home, deponent took the key of the iron chest and put it between the straw bed and the feather bed on which he slept; deponent left it there, after getting up in the morning, till he returned from breakfast, when deponent went to breakfast he left Mr. Saunders and a stranger in the office. Deponent was away about an hour, on his return Mr. Rubidge and Mr. Saunders were in the office. Deponent first opened the shutters on the Bank side of the office, which were fastened as he had left them on the preceeding evening, and then went for the key of the iron chest; on opening the chest, immediately after; deponent found that the parcel of bills that he had put in on the preceeding evening, and the bag of gold had been abstracted, there had been a linen bag also in the chest about fifteen inches long and seven inches wide, was likewise taken away; deponent is certain the chest was locked when he went to it; the lid is heavy and difficult to raise; the bar against the cellar door appeared firm; when deponent went down to examine it for the purpose of seeing if any entry had been made that way. Deponent observed some foot marks out side the cellar door, apparently fresh; there was the mark of the heal of a boot. Deponent has since been informed that a man who wears a boot exactly fitting this mark was at work there on the previous day, the cellar then being open for him. There were marks of foot steps on the ground under the stoop; a person crawling under the stoop might in that way get to the inner door of the cellar. There is no other getting to it without forcing a door or window, or tearing down boards, nothing of which kind was done; a person

would be forced to stoop in order to walk along under the steep.

Sworn at Cobourg, in the Newcastle District, this 20th June, 1838, before me R. Henry, J. P. } W. H. Kerrigan.

The Deposition of Edmund Rubidge, of the town of Cobourg, in the District of Newcastle, Gentleman.

Deponent is in the employ of Mr. Bethune since the 16th day of April last. Is employed in the Post-office department, of which he has the general management.—The mails are all usually closed and made up by him. Deponent was informed by Mr. Saunders, the first or second day that he went into Mr. Bethune's employ, that he ought to be sworn in, and he made a copy of the oath, and was also informed by Mr. Saunders, that he, deponent, should go to Mr. Henry, who was a Magistrate, to be sworn. Deponent went out, saying that he would go and be sworn, but went to dinner, it being the dinner hour, and the house where deponent dined being on the road to Mr. Henry's. Deponent's reasons for not going to Mr. Henry's was, that he had never been to Mr. Henry's house or been introduced to him, and consequently felt a backwardness to go to him, not thinking it essential, and not having then had any instructions on the subject except what Mr. Saunders stated, and meaning to take some opportunity of being sworn, for which purpose deponent carried the written oath in his pocket till it was nearly worn out.—Deponent heard Mr. Bethune enquire of Mr. Kitteon, shortly after the 16th April last, whether he had been sworn, and Mr. Kitteon replied in the affirmative, upon which deponent, as he still intended to be sworn, did not feel it necessary to make any remark. Deponent in fact did take the oath before Mr. Henry on Tuesday last.

On the 15th day of May last, after closing the Mail for Kingston, about two p.m. Mr. Kitteon handed to deponent a free letter and a parcel, both addressed to John Macaulay, Esq. Kingston. The packet was marked money on the outside. The canvass bag, in which letters for Kingston and places to the eastward of it are usually put had not been closed, but the mails were all made up. Deponent opened the mail for Kingston, which contained two English letters only, and enclosed the letter directed to Mr. Macaulay, counted the post [illegible] free letter, and under the head money letter, put the direction 'one packet, John Macaulay, Esq.' Deponent then made up and sealed the Kingston mail again, putting into it the two English letters and the free letter addressed to Mr. Macaulay, but not the packet marked money. Deponent put up the mail for Montreal, a mail for Prescott, and the mail for Kingston into a canvass bag, which he tied up but did not seal it. The bag remained in the office until the stage arrived, but it was scarcely possible any one could have meddled with it. Deponent has no recollection that he left it until he enclosed the whole for Kingston, but cannot say whether he tied up the canvass bag immediately after he had altered the Kingston mail, or delayed doing so until the stage arrived. The stage arrived about three quarters of an hour after the mails were made up.—They were enclosed in the leather bag, locked by deponent, and delivered to a man named Atwood, the stage driver. The money packet was equal in bulk to all the other inclosures in the canvass bag, and if it had not been there when the mails were put into the leather bag it must have attracted deponent's notice. Deponent has no reason whatever to believe it was abstracted before the mail bag was delivered to Atwood. Mr. Kitteon and Mr. Saunders were in the office the whole time, but deponent alone made up and delivered the mails. Deponent informed Mr. Kitteon on his enquiry that he had sent it. Deponent has frequently sent money packets to Kingston without enclosing them in the mail for that place, always, however, entering them on the post bill. Sometimes they have been enclosed in the mail, but packets have not been sent in this way to any other office. Mr. Kitteon did not usually attend to the putting up the money packets after once delivering them to deponent. The canvass bag sent that day was marked Kingston on one side and Cobourg on the other; the post bill was put up with the Kingston mail and sealed up with it.—The stage-driver's way bill is marked with the time of arrival and departure; ten minutes is the time usually allowed as enough for opening and closing the bag again.—Deponent believed he himself marked the way-bill on this occasion. The entry was

made about the time Atwood arrived.—This way-bill is now usually enclosed in a pocket in the mail bag. The chains, rings and padlock of the mail bag were in good order at the time he delivered it to Atwood. Deponent locked the bag himself.

Deponent was in the office with Mr. Kittson on Wednesday evening, the 19th of June, about six o'clock, Mr. Kittson went to tea; deponent was making up the mails for Otonabee and Peterboro', when Mr. Kittson went away. In about five minutes young Mr. Ham who is in a store opposite called to ask him if he would go to tea;—deponent immediately got up and went with him; locked the office door and took the key out; at a short distance deponent met Mr. Kittson and gave the key to him, remarking what a short time he had been to his tea. After a lapse of from half an hour to three quarters deponent returned to the office, found Mr. Kittson there with Gordon trying a new pair of boots which Gordon offered to sell to deponent. Robert and Richard Butcher were also there; Kitson came round from behind the counter, and afterwards went away for some time, Gordon remained, determined to sell the boots if possible, and wished to borrow money. Before he left Mr. Joynt came in, and Mr. Kittson returned; deponent lent Gordon two dollars which he took from the Post Office, mentioning that he had done so to Mr. Kittson. About half past eight deponent left the office for the night, Mr. Kittson was then with the two boys and a man named Delany; deponent went to Ham's store with the boots, and found Mr. Ham, Mr. Noyes and another person there, remained with them about a quarter of an hour, and then told them he was going home. At Mr. George Boswell's store deponent met Mr. Joynt, who asked him if he would go to the Circus, but deponent declined and went home alone about half a mile. On arriving home deponent found his mother who expressed her surprise at deponent not going to the Circus; deponent retired to rest before ten o'clock. Deponent was not in the village again until about seven the following morning. Deponent did not go to the office till nearly eight. Mr. Kittson was there, Mr. Saunders afterwards came in, and Mr. Kittson then went away to breakfast. The office was kept open from that time until Mr. Kittson returned; neither deponent nor Mr. Saunders left the office. on Mr. Kittson's return he went into his bed room and came to deponent and said he han received a box from below; he then went to his side of the office. In the course of half an hour the iron chest was opened deponent thinks Mr. Kittson opened the bureau to get the key of the chest, as Mr. K. had usually first of all opened the bureau in the morning as deponent supposed to get out the key. All the Bank books are kept there. On opening the chest Mr. Kittson called out to Mr. Saunders that he was robbed; deponent supposed that he was speaking of the box he had received. He and Mr. Saunders both went to him, Mr. Kittson stated that all the bills were gone except a few tattered ones and some silver, and that some gold was gone, also some doubloons. Deponent does not remember if he closed the chest; Mr. Kittson immediately raised the trap door and went into the cellar without a light. He remained down a minute or two, came up, made no remark in deponent's hearing, and went out of the office. He returned in a very short time with Mr. Bethune and Mr. Clark. Deponent saw nothing to lead him to suppose the store had been forcibly entered. The table was not on the trap door when Mr. Kittson first went down, does not remember whether he closed the trap before he went out for Mr. Bethune. Mr. Kittson did not say in deponent's presence or Mr. Saunders's (before Mr. Bethune arrived) where he had left the key the preceding evening. About six weeks before that time the key of the chest had been found by Mrs. Burrell in making Mr. Kittson's bed. She handed it to deponent who gave it to Mr. Kittson; but no remark was made by any person on the subject of the key being in such a place. It was about nine in the morning, Mr. Saunders occasionally sleeps with Mr. Kittson. It was then stated that the sum abstracted was near two thousand pounds; deponent expected to meet a brother who he supposed was coming up in the Great Britain. Deponent always understood Mr. Kittson kept the key of the chest about him until after this money was lost. He then pointed out the place in the bureau where the keys were lying in the morning when he went to open the chest, saying that that was as he had left them the preceeding evening. Mr. Clark was also present, Mr. Kittson did

not say that he had put the key under his bed during the night. There was the first intimation deponent had that Mr. Kittson left the key out of his possession. The office is seldom opened until eight or half past, unless deponent goes to call Mr. Kittson earlier. On the morning the key was found in Mr. Kittson's bed deponent thinks he Mr. Kittson had not been to breakfast. Mr. Saunders took his meals at Strong's tavern. They breakfast there at eight. There was a new key to the door of the office, ordered by Mr. Bethune to be made by one Tompkins for deponent's use. This order was given on the morning preceeding the discovery of the robbery. Deponent saw this key in the course of being made the same afternoon, the wards were not then put in. Deponent took away the old key and returned to the office and locked it; Mr. Ham was there waiting for him just going to his tea. The new key was not finished till towards the afternoon of the next day; deponent subsequently had said on being pressed as to the robbery that he doubted whether any money had been taken, but he was well convinced that such was the fact, and said so from conviction at the moment the remarks were made.

Sworn at Cobourg, in the Newcastle District this 29th June 1833, before me,
R. HENRY, J. P.

E. RUBIDGE.

The Deposition of GEORGE SAUNDERS, of the Town of Cobourg, in the District of Newcastle, Gentleman.

Deponent is in the employ of Mr. Bethune as Book-keeper to the Bank Agency. Deponent remembers a packet addressed to Mr. Macaulay at Kingston, and marked money, lying on the post office table, ready to be mailed, on the 15th May; observed it as much as half an hour. Saw Mr. Kittson hand it to Mr. Rubidge, saying he wished it forwarded by that day's mail. Saw the canvass bag after it was tied up, and from the bulk of it, he would suppose that this packet was put in. This was before the stage had arrived. Soon after the stage had left Cobourg he heard Mr. Kittson enquire whether his packet had been sent; Mr. Rubidge answered it had. Deponent thinks the enquiry was made about three o'clock, p. m.; the stage had then gone half an hour. Deponent was at one time employed in the post office; was sworn at the suggestion of Mr. Kittson, who preceded him in charge of the post office.—On the first morning after Mr. Rubidge came to the office deponent told him it was necessary he should be sworn, and gave him a copy of the oath which deponent had taken, desiring him to make a copy of it for himself, which was done, and was seen by deponent in his (Mr. Rubidge) handwriting. Deponent desired him to go to Mr. Henry's and be sworn to it. He went out of the office with the copy of the oath in his hand and was absent some time. Deponent explained to Mr. Rubidge that he had been sworn before he was allowed to take charge of the office, and that he (Rubidge) should also do so. Deponent was in the office when Mr. Rubidge returned, but nothing was said on the subject of the oath. A few days after Mr. Bethune enquired of Mr. Kittson if Mr. Rubidge had been sworn; Mr. Kittson said yes. Deponent was under the impression that he had taken the oath, and Mr. Rubidge gave no intimation that he had not. He must have heard the conversation. Mr. Rubidge continued in charge of the post office from that time.

On the 19th June deponent left the office about eight o'clock in the evening; both Mr. Kittson and Mr. Rubidge were there. Deponent went to the circus. Deponent, in company with Mr. Wm. Boswell, and Mr. Walter Favell and another came out of the circus for a short time, and then returned and there remained till it was over; this was about eleven o'clock. Deponent, in about an hour and a quarter, which he passed in company with Mr. Wm. Boswell, went to the office. The night was dark, finding no light, and the key being in the lock, inside of the door, deponent concluded Mr. Kittson was gone to bed, and returned to Strong's tavern, where he slept. About half-past seven on the following morning deponent went to the office, found Mr. Kittson not up. He got up and let deponent in. He remained until about eight and then went to breakfast, leaving Mr. Kittson there alone.—Mr. Rubidge had not then arrived. Remained half an hour away and returned and found Mr. Kittson still there and alone. A man named John Tompson came in enquiring about some lands belonging to the Canada Company. While he was there Mr. Kittson went away to breakfast. He

returned in about an hour—about half past nine. Deponent and Mr. Rubidge were then in the office. Mr. Rubidge had arrived half an hour previous; he came in before Tompson left. On Mr. Kitson's coming into the office he went into his bed room and came out again in two or three minutes, bringing in his hand the key of the iron chest. The first thing he did on coming into the office was to open the shutters on the Bank side. Deponent had previously opened the shutters on the other side. They were all properly fastened. After Mr. Kittson had opened the shutters and got the key he went and opened the iron chest. From the time of his opening the shutters to his opening the chest not morethan ten minutes elapsed.

When Mr. Kittson opened the chest he exclaimed Saunders, I'm robbed. Deponent at the moment thought him not in earnest, but on his repeating it he got off his seat and ran round to the chest. It was wide open; Mr. Rubidge accompanied deponent. Mr. Khtson added, the chest was completely stripped—the bureau and the chest nearly touched. The bureau was then open, both the upper and the lower part. Mr. Kittson opened them after he had brought the key of the iron chest out of his bed room. Deponent positively saw the key of the iron chest in his hand before either the upper or lower part of the bureau were open. Mr. Kittson pointed out the manner in which he had found the keys the night before, and that he had taken the key of the iron chest to bed with him. Mr. Rubidge was standing by. Mr. Kittson immediately left the office; he returned in about five minutes accompanied by Mr. Bethune. Dr. Carlile came in in a minute or two afterwards. About six weeks ago deponent recollects the key of the iron chest being found in Mr. Kitson's bed, by the woman who was making it. It was about nine o'clock in the morning; Mr. Kittson was not in the Office; Mrs. Burrell put the key on the drawers in the bed room, and it remained there till Mr. Kittson came in. Mr. Kittson came into the office in about twenty minutes or half an hour, to the best of deponents recollection. Mr. Kittson, during the day, kept the key of the iron chest in the lower part of the bureau, but deponent does not ever recollect to have seen the bureau left unlocked or the key left in the door. Deponent has repeatedly seen Mr. Kittson look up the key of the iron chest in the bureau when he was going to his meals, & when sleeping there, which deponent generally does; he knows Mr. Kittson took the key to bed with him. Mr. Kittson has left the key of the bureau in the charge of deponent when he has been away, at different times. Deponent never had occasion to take money out of the iron chest, as there was sufficient in the bureau for what was wanted during Mr. Kittson's absence. At the time this robbery took place there was money, not locked up, in the small cupboard over deponent's desk, which belonged to the Canada company, and was not handed over to Mr. Kittson until a deposit was regularly made by deponent on account of the Company, with the Bank agency. None of this money was touched. There was also some money belonging to the post office open to any one who was inside the office; a few dollars only, but which was untouched.

Sworn at Cobourg, in the District of Newcastle, this 3rd day of July, 1833, before me
R. Henry, J. P.

G. Saunders.

The Deposition of John Gilchrist, of Cobourg, in the Newcastle District, Physician.

Examined the premises, in part of which the Bank office and Post office are kept on the morning of the 20th June last. There was no mark or appearance of violence or force on the cellar door, nor any thing to raise a suspicion that it had been forced open. He also looked at the trap door which opens from the cellar below into the office. If the leg of the table were on the trap door, deponent thinks a person from below could scarcely by any means succeed in getting up into the office; but in deponent's opinion it would be impossible for a person going down into the cellar to place the leg of the table on the trap door and close it. Deponent examined the ground under the gallery which runs in front of the office; there was a hole thro' the floor of the gallery through which a person might creep, and at the farther end from that hole a board was broken away and a space left sufficiently large for a person to get through into the outer cellar at a distance of a few feet from the door which goes into the inner cellar; but this board

did not appear to have been recently broken, the fracture was evidently of an old date. From the hole in the door of the gallery to the hole communicating with the outer cellar he traced the mark of a person having crept along on his hands and knees and hands and feet both in and out; the marks of the hands and feet clearly showed some person had crept both ways. The marks seemed very fresh, as if quite recently made. Did not observe any way to get from the outer into the inner cellar, but the door before mentioned, —there was no track of either hand or foot so complete as to enable a measurement to be made of it. The mode of crawling along rendered this impracticable. From the appearance of the premises deponent thinks they could not have been entered, excepting by a person who either had got possession of the key of the office door, or who had a false key whereby he could open it. As otherwise some marks must have remained showing in what manner the entry was effected.

Deponent thinks that the robbery must have been committed by some person well acquainted with the office, and the place of keeping the keys, because a stranger must have found it difficult even after getting into the office to have discovered where the key of the iron chest was, and he must have had another false key to open the bureau; and if the doors were all closed and the shutters fastened as has been stated, it seems more probable the money should have been taken before the premises were shut up at eight o'clock. From the appearance of the tracks under the gallery, and from the general state of the premises, deponent thinks the money was in all probability taken through the cellar, and deposited either in the outer cellar or under the gallery, from whence a person could easily get at it by creeping along where the tracks under the gallery were remarked.

A piece of paper now shown to deponent, he has seen before, there are marks on it apparently made by a hot iron, two irons something similar in shape to these marks (one belonging to Mr. J. G. Bethune the other to Mr. Conger) were shown to deponent, but neither quite fitted it.—Deponent marked the shape of those two irons exactly on a shingle, and took Mr. Bethune's iron to a woman who is in the habit of washing out, named Nicholls, and asked if she had seen a similar iron any where, she replied that she had, that Mrs. Rubidge had one, but that it was wider at one end than the iron shewn by deponent to her. Deponent asked if she would borrow that iron, and try on the marks made by deponent on the shingle. She undertook to do it. Next day about noon deponent sent up to her, she returned the shingle with another outline of an iron marked on it by which deponent cut the piece of shingle now produced as nearly as could be, that piece of shingle corresponded with the marks on the piece of paper now produced.

Sworn at Cobourg, in the District of Newcastle, this 2d day of July 1838, before me
E. Barnum, J. P.

} Jn. Gilchrist.

Deposition of Charles Clark of Cobourg in the Newcastle District, Merchant.

Deponent has heard read so much of Dr. Gilchrist's deposition as relates to the appearance and state of the premises in which the Bank office is kept, on the morning of the 20th of June last, and believes the same to be correct in substance. He observed the marks of a person having crept under the gallery. There is a small window near the door of the inner cellar, through which if it were open a small man might creep, but from the appearance of the cobwebs and dust, and of the nails which fastened the shutters; deponent is certain no person had got through there, deponent tried if he could force open the inside cellar door, a piece of wood being placed against it in the manner Mr. Kitson described, but he could not succeed. On the morning of the 2d June, Mr. Bethune came to deponent's door as he was sitting down to breakfast, and told him what had happened and desired deponent to come over. Deponent said he would in a moment, and Mr. Bethune went on. After a few minutes deponent followed him and went into the office and enquired for Mr. Bethune, Mr. Saunders said he was in the cellar; the trap door being open, deponent went down, went through the inside cellar. After examining the premises deponent supposed at first the cellar had been forced, but on trying the door and considering the whole matter, deponent felt satisfied that was not the case and now believes that some person in the office took the money through

the cellar and put it under the gallery; and went under the gallery at some convenient opportunity to take it away, or that the front door was opened by the original or a false key which latter supposition, deponent does not incline to. Deponent returned from the upper part of the village about 11 o'clock at night with Mr. Bethune, carrying a candle as he had not been able to get a lantern where they had been, and the night being calm but very dark. This was the night after the robbery was discovered.

On arriving at Mr. Bethune's door deponent observed a lot of Bank Bills which appeared to have been just thrown down there as there had been rain a little while before, and the bills were perfectly dry, as well as the paper round them. The paper now produced is the same which they there found with the bills partially enclosed. This paper bears the impress of a hot iron, and it had that impress on it at the time it was found. It was sealed up in deponent's presence by Mr. Bethune that night, and opened in deponent's presence the following morning.

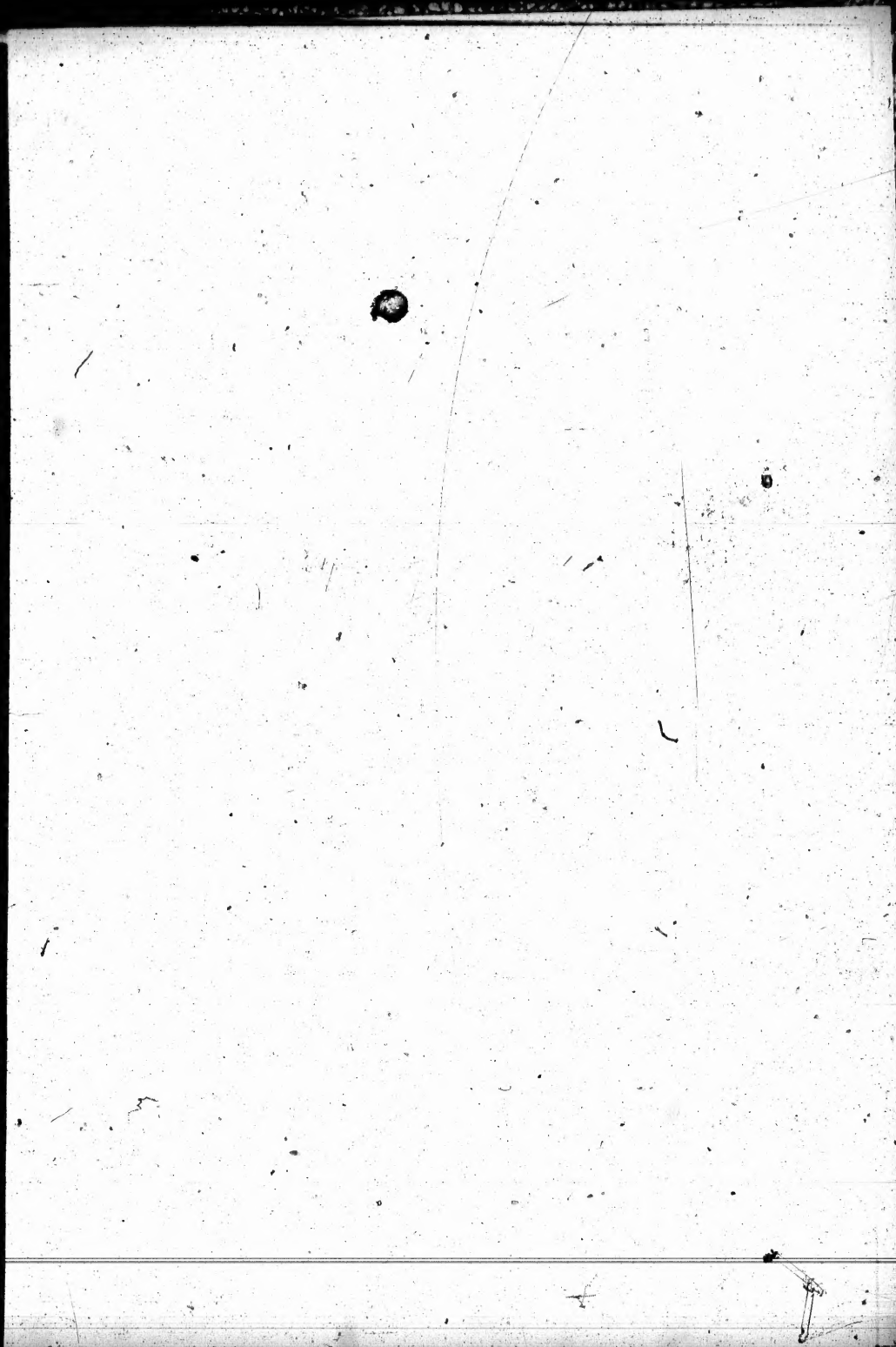
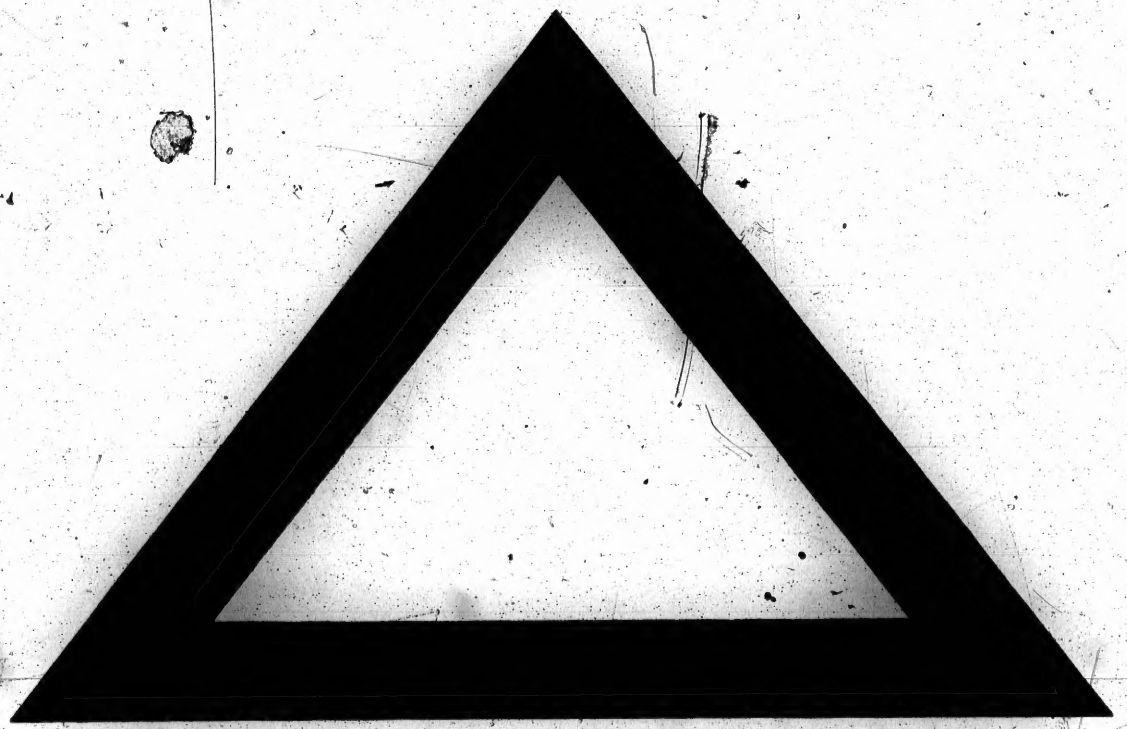
Sworn at Cobourg, in the District of Newcastle, this 2d of July, 1838, before me.
E. Barnum, J. P.

Chs. Clark.

Deposition of J. G. Bethune of Cobourg, in the District of Newcastle, Esquire.

About half past ten in the morning of the 20th of June, deponent met W. Kittson who is confidential Clerk in deponent's office and has entire charge and control of all the Bank Funds Books, lodged in deponent's office. In the street between Orcutt's tavern and Mr. Clark's store, W. Kittson exclaimed we are robbed, we are robbed, or words to that effect, deponent proceeded with Mr. Kittson to the office, who shewed him the empty chest; he also pointed out to deponent the place in the bureau where he put the key of the chest when he went to the Circus the previous evening, as he stated about 9 o'clock, that he found the key in the same place when he went to bed at eleven. Wm. Kittson pointed out to deponent that the table on which a quantity of paper, &c. is placed had one leg in nearly the centre of the trap leading to the cellar. Deponent followed Mr. Kittson down the trap and saw him in the act of opening the door which divides the inner from the outer cellar, but turned back to examine a window that he recollected seeing open in his way to the office; when deponent returned to the cellar, Mr. Kittson pointed out a track near the door in the outer cellar, which both Mr. Kittson and deponent at that time thought was made by the person who was in the act of forcing the inner cellar door, and this belief was strengthened by deponent observing tracks quite fresh under the front gallery of the building; deponent is of opinion from subsequent observation and minute examination of the premises, that there was not any forcible entry into the premises in question on the night of the 19th June; deponent has read Mr. C. Clark's deposition, and as far as relates to the finding of the Bank Notes in front of deponent's door, and the trial of forcing the inner door of the cellar, and believes the same to be correct in substance. Deponent recognizes the sheet of paper produced as the same that was found with the Bank Notes on the eight of the 20th June by Chs. Clark and deponent. That deponent discharged one of his clerks since the robbery of the name of Edmund Rubidge, because said clerk had deceived deponent in acknowledging that he was duly sworn as a Post office clerk, when the truth was otherwise. Deponent suspects from the circumstances that have come out during this investigation, and matters that came to deponent's knowledge previous, that the robbery of the iron chest was committed by one or two persons in deponent's employ, and that said robbery was committed in the evening previous to the shutting of the office for the night.

Sworn at Cobourg, in the District of Newcastle, this 2d of July, 1838, before me,
E. Barnum, J. P.

J. G. Bethune.

John Heard, of the township of Hamilton, in the Newcastle District, Yeoman, being duly sworn on the Holy Evangelists, maketh oath and saith, that conversing with Mr. Edmund Rubidge, on the subject of the robbery which took place at Mr. Bethune's office, on Wednesday the 19th inst. deponent said to him, he considered what the said Edmund Rubidge had stated on a deposition before Robert Henry, Esq. tended to criminate him, and said that deponent thought the money might have been taken while Mr. Kittson was at his tea, and